

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL E. JONES

§

§

v.

§

C.A. NO. C-06-200

§

NATHANIEL QUARTERMAN

§

ORDER DENYING PETITIONER’S MOTION FOR DISCOVERY

Petitioner is a state inmate currently incarcerated at the Beto Unit in Tennessee Colony, Texas, who has filed a habeas petition pursuant to 28 U.S.C. § 2254. (D.E. 1). Pending is his motion for discovery. (D.E. 27, at 20-22); see also (D.E. 27-3). Specifically, he seeks requests for admission, interrogatories, and requests for production. Id.

Petitioner is seeking discovery from respondent related to his state conviction and his state habeas application. A habeas petitioner is generally not entitled to discovery. Rather, “Rule 6 of the Rules Governing § 2254 cases permits discovery only if and only to the extent that the district court finds good cause.” Murphy v. Johnson, 205 F.3d 809, 814 (5th Cir. 2000) (emphasis added); see also United States v. Webster, 392 F.3d 787, 801 (5th Cir. 2004) (“A habeas petitioner may ‘invoke the process of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.’”) (citation

omitted). The Fifth Circuit has explained that “[i]n order to establish good cause, the petitioner must demonstrate that ‘a factual dispute, if resolved in the petitioner’s favor, would entitle him to relief and the state has not afforded the petitioner a full and fair evidentiary hearing.’” Lave v. Dretke, 416 F.3d 372, 381 (5th Cir. 2005) (quoting Ward v. Whitley, 21 F.3d 1355, 1367 (5th Cir. 1994)).

Petitioner has failed to establish good cause warranting discovery, or interrogatories in this habeas petition.

Accordingly, petitioner’s motion for discovery, (D.E. 27, at 20-22), is hereby DENIED.

ORDERED this 20th day of March 2007.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE